

REMARKS

New claims 27 – 30 have been added in this amendment. Support for these additional claims can be found in at least paragraphs 21, 25 – 26, 36 – 42, as well as in FIGS. 1 and 6. Claims 2 and 5 – 9 have been canceled, with the subject matter of claims 2 and 5 – 8 being generally incorporated into Claim 1. Claims 11 – 13 and 16 have been canceled and their subject matter has been generally incorporated into Claim 10. Claims 18 and 19 have been canceled and their subject matter has been generally incorporated into Claim 17. Claims 22 – 23 have been canceled and their subject matter has been generally incorporated into Claim 21. Claims 24 – 26 have been canceled. Claims 1, 10, 14, 15, 17, 20, and 21 have been amended. Thus, claims 1, 3, 4, 10, 14, 15, 17, 20, 21, and 27 – 30 are currently pending in the subject application.

Applicants wish to thank Examiners Tang and Lee for the courtesies extended during the personal interview conducted on January 24, 2006. At the interview, Applicants clarified the invention to the Examiners, the outstanding rejections and the cited prior art were discussed, and proposed amendments to the claims to distinguish the invention from the prior art were presented.

In the Office Action dated October 5, 2005, the Examiner rejected claims 1 – 26 as under 35 U.S.C. §103(a). Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

Claims 1 – 3 and 4 – 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No 5,768,696 (“*Law*”) in view of U.S. Patent No. 5,949,346 (“*Suzuki et al.*”). As noted above, claims 2, 5, and 6 have been canceled, and their subject matter has been

generally incorporated into independent claim 1. The rejection is respectfully traversed because none of the patents, either alone or in combination, discloses, teaches, or suggests the combined features recited in amended independent Claim 1 of (1) a light display apparatus including a plurality of light sources each associated with a light transmitting elongated member, wherein the light sources are illuminated in response to receiving a signal indicative of a sound, where the signal corresponds to a monitored sound level or intensity, and the illumination of each of the light sources is sequential as the monitored sound level or intensity increases; and (2) a light display try-me switch operable to sequentially illuminate the plurality of individual light sources in the absence of receiving the signal indicative of sound.

As discussed during the personal interview conducted on January 24, 2006, the claims are directed to an infant monitor with a visual display. Sounds of an infant are received by a base (transmitter) unit, which transmits the signals to parent (receiver) units which are located remotely from the base unit. The parent units receive the signal indicative of the infant sound and translate the sound into a visual display that changes with the intensity of the sound made by the infant. The visual display includes a plurality of light sources that are sequentially illuminated. The number of lights that are illuminated directly correlates to the intensity of the sound made by the infant. As a result, a soft sound illuminates less light sources than a loud sound. The parent unit further includes a visual display try-me switch that, when engaged, is configured to sequentially illuminate the light sources when no signal indicative of sound is being received by the parent unit. The visual display try-me switch, then, permits a user to test/try the receiver by engaging the switch and sequentially illuminating the row of light sources

in the absence of sound. As explained below, none of the references of record, alone or properly combined, discloses, teaches, or suggests these claimed features.

Law discloses an infant monitor including a transmitter unit that receives audio sounds and sends them to a receiver unit via carrier waves. *See* col. 2, lines 48 – 63. The receiver units further include indicator lights that are configured to indicate the strength of the received signal by illuminating more lights for a strong signal (i.e., the loudness of the infant's cry will be proportional to the number of lights that illuminate). *See* col. 5, lines 5 – 25. This enables a guardian viewing the receiver unit to determine the urgency of an infant's cry even if the volume switch is at a low setting. Thus, while *Law* may disclose an infant monitor including indicator lights configured to illuminate as the strength of the transmitter signal increases, it does not disclose a display switch operable to sequentially illuminate the indicator lights when no transmitter signal is present. As explained above, the amended independent claim 1 requires the presence of a try-me switch operable to sequentially illuminate the individual light sources of the light display in the absence of receiving a signal indicative of sound received by the infant monitor transmitter.

Suzuki et al., moreover, does not compensate for the deficiencies of *Law* and, similarly, does not disclose, teach, or suggest the above-described light display and test switch features. In contrast, *Suzuki et al.* discloses a display device used in vehicles, wherein a series of LEDs selectively illuminate in response to a detecting signal from a speed sensor. *See* col. 8, lines 43 – 67. The *Suzuki et al.* device does not include a display switch operable to illuminate the LEDs when no signal from the speed sensor is detected. The patent, furthermore, does not disclose,

teach, or suggest the display device functions in response to receiving a signal indicative of sound.

In addition, one skilled in the art would not modify the audio-responsive display of the *Law* monitor with the speed-responsive display of *Suzuki et al.* because such a modification would make the *Law* monitor unsatisfactory for its intended purpose. If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *See* MPEP § 2143.01. Specifically, one skilled in the art would not replace the audio-responsive indicator lights of *Law* with the speed-sensor responsive display of *Suzuki et al.* because such a modification would make the *Law* monitor unsatisfactory for its intended purpose, i.e., to provide communication system that enables a guardian viewing the receiver unit to determine the urgency of an infant's cry even if the volume switch is at a low setting. As one skilled in the art appreciates, incorporating a speed sensitive display into the receiver unit of an audio monitor would destroy the functionality of the infant monitor. Consequently, modifying the monitor of *Law* by replacing its sound-responsive indicator lights with a display that is not responsive to sound would make it unusable for its intended purpose and, as such, the rejection is improper because there is no motivation to combine the references.

Furthermore, it would not be obvious to combine the *Law* patent with the *Suzuki et al.* patent to obtain the claimed invention. *Law* is concerned providing a wireless communication device for monitoring audio, whereas *Suzuki* is concerned with providing a vehicle speed meter. Thus, *Law* and *Suzuki et al.* are concerned with diverging applications and there is no apparent

reason to combine their teachings other than prohibited hindsight derived from Applicants' own disclosure.

Claims 3 and 4 depend directly from independent claim 1 and, therefore, include all the limitations of their parent claim. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to independent claim 1 and for further limitations recited in these claims.

Claims 7 – 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Law* in view of *Suzuki et al.*, and further in view of U.S. Patent No. 6,311,837 ("*Blaustein et al.*"). The rejection asserts that *Law* and *Suzuki et al.* disclose all the claimed limitations, except for a visual display switch for activating the visual display. The rejection further asserts that *Blaustein et al.* teaches a device comprising a switch that temporarily energizes a toothbrush in order to allow a purchaser to test the product (i.e., the toothbrush has a "try-me" feature), and then argues that it would have been obvious of one having ordinary skill in the art to employ the "try-me" switch of *Blaustein et al.* in the device of *Law* to enable a user to test the device prior to purchase.

As noted, above, claims 7 – 9 have been canceled and their subject matter has been generally incorporated into Claim 1. This rejection is respectfully traversed since the references, either alone or in combination, do not disclose, teach, or suggest the claimed invention of amended claim 1. As discussed above, neither *Law* nor *Suzuki* disclose a light display including a plurality of light sources that are sequentially illuminated in response to receiving a signal indicative of a sound and a light display try-me switch operable to sequentially illuminate the plurality of individual light sources in the absence of receiving the signal indicative of sound.

Blaustein et al. does not compensate for the deficiencies of *Law* or *Suzuki et al.* and similarly does not disclose, teach, or suggest these features. *Blaustein et al.* is directed to blister packaging designed to enclose an article such that a user may engage a switch thereon. The packaging includes a blister portion 24 with a recess positioned over a switch 16 located on a toothbrush 10. See FIG. 2, col. 3, lines 38 – 53, and col. 4, lines 24 – 51. The packaging permits the switch 16 to be placed in a first (momentarily-on) position while preventing the switch from being repositioned/depressed further to be placed in a second (continuously-on) position. The packaging enables a customer to engage the try-me feature of the toothbrush, while maintaining a sterile field between the customer and the toothbrush 10.

The *Blaustein et al.* patent does not disclose a device including a sound responsive visual display, or a switch operable to engage the visual display in the absence of sound. In contrast, the instant invention requires a visual display including a plurality of light sources that are sequentially illuminated in response to the display receiving a signal indicative of sound. Moreover, the try-me feature referenced by the rejection is only effective while the device is enclosed within the packaging—once the toothbrush is removed from the packaging, there is nothing preventing the switch (and thus the toothbrush) from being placed in the continuously on position. In contrast, the claimed display switch of the instant invention does not require a packaging component for the test/try-me switch to sequentially illuminate the light sources of the visual display. Thus, at most, *Blaustein et al.* discloses that it is known to provide packaging that allows a purchaser to access the “on-off” switch for a product.

Furthermore, it would not be obvious to combine the *Blaustein et al.* patent with the *Law* patent obtain the claimed invention. *Law* is concerned with providing a wireless communication device for monitoring audio, whereas *Blaustein et al.* is concerned with providing product packaging configured to provide a sanitary enclosure. Thus, *Law* and *Blaustein et al.* are concerned with diverging applications and there is no apparent reason to combine their teachings other than prohibited hindsight derived from Applicants' own disclosure.

Claims 10 – 14 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Law* in view of *Suzuki et al.*, and further in view of U.S. Published Patent Application No. 2003/0162558 ("*Takase et al.*"). The Office Action asserts that *Law* and *Suzuki et al.* disclose all the claimed limitations, except for the elongated light transmitting portion mounted to an antenna, and that *Takase et al.* teaches a wireless communication device (a cell phone) comprising a light emitting antenna. The rejection then reasons that it would have been obvious to mount the light display of *Law* on the antenna as taught by *Takase et al.* for the purpose of fashion reference design. As noted above, claims 11 – 13 and 16 have been canceled and their subject matter has been generally incorporated into independent claim 10. This rejection is respectfully traversed since *Takase et al.* does not disclose the features of amended independent claim 10 of a light display forming part of the antenna and comprising a plurality of individual light sources, wherein each of the individual light sources is sequentially illuminated in response to receiving the signal indicative of sound, and wherein the signal corresponds to a monitored sound level or intensity.

Takase et al. discloses an antenna for a mobile phone comprising a light source 22 (e.g., three LEDs) that directs light toward a helical antenna. The light is guided toward a light scattering member 23 comprising a main body portion 23-1 and light introducing portion 23-2. Light from the light introducing portion 23-2 is reflected on the surface of the main body portion 23-1 and then externally radiated. *See* FIG. 3A and par. 43 – 44. The LEDs may be selectively illuminated at desired degrees of brightness. Thus, light of an arbitrary color can be emitted from the antenna top, such that the light has various levels of brightness and various illumination intervals. *See* par. 15.

In contrast, the instant invention includes an antenna comprising plurality of light sources that radiate light through associated elongated light transmitting portions. Each light source is illuminated when the antennae receives a signal indicative of a sound. The signal corresponds to a monitored sound level or intensity; consequently, the light sources are sequentially illuminated as the intensity of the sound increases. The *Takase et al.* antennae does not receive a signal indicative of a sound, and thus does not provide illumination in response to receiving an audio signal that corresponds to a monitored sound level or intensity.

Furthermore, it would not be obvious to combine the *Takase et al.* patent with the *Law* patent obtain the claimed invention. *Law* does not suggest its indicator lights could be formed as part of an antenna. *Takase et al.*, moreover, includes no teaching that its mobile phone antenna could be modified to correspond to a monitored sound level or intensity. In addition, *Law* is concerned with providing a wireless communication device for monitoring audio, whereas *Takase et al.* is concerned with providing an antenna with a light source having a battery

configuration that avoids interference of the light source with a received cell phone signal. Thus, *Law* and *Takase et al.* are concerned with diverging applications and there is no apparent reason to combine their teachings other than prohibited hindsight derived from Applicants' own disclosure.

Claims 14 and 15 depend directly from independent claim 10 and, therefore, include all the limitations of their parent claim. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to independent claim 10 and for further limitations recited in these claims.

Claims 17 – 19 and 21 – 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Law* in view of *Blaustein et al.* Similarly, claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Law* in view of *Blaustein et al.*, and further in view of *Suzuki et al.* The Office Action generally asserts that since the purpose of the claimed visual display switch (which activates the display in the absence of an audio signal) is a manner of “testing” the display illumination, it would have been obvious of one having ordinary skill in the art to employ the “try-me” switch of *Blaustein et al.* in the device of *Law* to enable a user to test the device prior to purchase.

Initially, claims 18 and 19 have been canceled and their subject matter has been generally incorporated into claim 17. Similarly, claims 22 and 23 have been canceled and their subject matter has been generally incorporated into claim 21. Claims 24 – 26, moreover, have been canceled. The rejection of the outstanding claims is respectfully traversed since none of the references discloses, teaches, or suggests the features of amended independent claim 17 of a

visual display including light sources that are sequentially illuminated in response to receiving a signals indicative of sound, or of a visual display try-me switch that activates the sequential illumination of the display when no signal indicative of sound is received.

As explained above in regard to claim 1, *Law* does not disclose the presence of a display switch operable to sequentially illuminate the plurality of individual light sources in the absence of receiving the signal indicative of sound from the infant monitor transmitter. *Blaustein et al.*, moreover, does not disclose a switch that engages a visual display including a plurality of individual light sources adapted to be sequentially illuminated in response to receiving a signal indicative of sound, wherein the signal and the sequential illumination correspond to a monitored sound level or intensity, and wherein the switch engages the sequential illumination in the absence of receiving the signal. As further noted, the combination of *Blaustein et al.* with *Law* is not tenable—the packaging of *Blaustein et al.* simply enables the temporary powering of the article; consequently one would not encase the wireless monitor of *Law* in the packaging to enable the proposed try-me feature. Even if, for arguments sake, such a combination was made, all that would be provided is a package with an opening that allows a purchaser to access the on-off switch of *Law*, nothing more.

Amended dependent claim 20 depends directly from independent claim 17 and, therefore, includes all the limitations of its parent claim. This dependent claim is considered to be in condition for allowance for substantially the same reasons discussed above in relation to independent claim 17 and for further limitations recited in this claim.

In addition to the above, new claims 27 – 30 are allowable because the cited prior art, alone or in combination, do not disclose, teach, or suggest the features recited in independent claim 27 of a light display including a plurality of individual light sources and associated elongated light transmitting portions, wherein the illumination is in response to receiving the signal indicative of sound, the signal corresponds to a monitored sound level or intensity, and the illumination of each of the light sources is sequential as the monitored sound level or intensity increases, or a light display try-me switch operable to sequentially illuminate the plurality of individual light sources in the absence of receipt of the signal indicative of sound.

Claims 28 and 29 depend directly from independent claim 27 and, therefore, include all the limitations of their parent claim. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claim and for further limitations recited in the claims.

Similarly, new independent claim 30 is allowable because none of the references of record, alone or in combination, discloses, teaches, or suggests the features of activating a visual display try-me switch to sequentially illuminate a plurality of infant light sources on a housing operable to receive a signal indicative of sound received by an infant monitor. Therefore, this claim is considered to be in condition for allowance.

In view of the foregoing, Applicants respectfully request the Examiner find the application to be in condition for allowance with regard to claims 1, 3, 4, 10, 14, 15, 17, 20, 21, and 27 – 30. However, if for any reason the Examiner feels that the application is not now in

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condition for allowance, he is respectfully requested to contact the undersigned to discuss any unresolved issues and to further expedite the disposition of the application.

Respectfully submitted,



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